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ZONZOS

A-47, July 30, 1953

FCN treaty hearing; protectorate clause.

Senator Hickenlooper, Chairman of the treaty subcommittee of the Senate Foreign Relations Committee, held a public hearing Monday, July 13, on the Japanese FCN treaty along with pending instruments with seven other countries. The hearing proceeded smoothly, and the only significant problem raised concerned the protectorate clause. The Senator read into the record the following proposed reservation, which he indicated he intended to recommend:

"Resolved (two-thirds of the Senators present concurring therein) that the Senate advise and consent to the ratification of _____, subject to the following reservation, which shall be agreed to by the other high contracting party before ratifications are exchanged:

Article ____, Paragraph ___, shall not extend to professions which, because they involve the performance of functions in a public capacity or in the interest of public health and safety, are state-licensed and reserved by statute or constitution exclusively to citizens of the country, and no most-favored-nation clause in the said treaty shall apply to such professions."

Until the Senate acts, of course, this reservation is tentative, although this or a similar reservation seems virtually certain of adoption. It is being supplied to Embassy at this time in order to keep Embassy abreast of developments.

The Department hopes the Senate will be able to act before adjournment, and presumes that the subcommittee would not have taken pains to hold a hearing at this time unless it shared this hope.

DULLES

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7/13/53

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